

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 22-09010-FLA (DFM)

Date: January 31, 2024

Title Dupree Pierre Barber v. Jeri Shepherd et al.

Present: The Honorable Douglas F. McCormick, United States Magistrate Judge	
Nancy Boehme	Not Present
Deputy Clerk	Court Reporter
Attorney(s) for Plaintiff(s):	Attorney(s) for Defendant(s):
Not Present	Not Present
Proceedings: (IN CHAMBERS) Order to Show Cause	

On November 7, 2023, the Court issued an order dismissing Plaintiff's Third Amended Complaint with leave to amend. See Dkt. 26. The Court ordered Plaintiff to file a Fourth Amended Complaint within thirty-five (35) days. See id. at 5. On November 20, 2023, Plaintiff filed a request for an extension of time to file his Fourth Amended Complaint. See Dkt. 27. The Court granted this request and extended the deadline to December 28, 2023. See Dkt. 28.

On December 7, 2023, Plaintiff filed a letter in which he appeared to argue that he was being denied access to the legal library to work on his amended complaint. See Dkt. 29. The Court issued an order on December 12, 2023, explaining that the Court would not interfere with the day-to-day operations of the California Men's Colony State Prison but would continue to be liberal with granting extension requests. See Dkt. 30. Since then, Plaintiff has not filed anything with the Court, and the deadline to file his Fourth Amended Complaint has passed.

It is Plaintiff's responsibility to respond promptly to all Orders and to prosecute this action diligently. **Accordingly, the Court hereby ORDERS Plaintiff to show cause in writing no later than twenty-one (21) days from the date of this order why this action should not be dismissed for lack of prosecution.** As an alternative to a written response by Plaintiff, the Court will consider the filing of either a Fourth Amended Complaint or a Notice of Voluntary Dismissal, on or before the above date, as an appropriate response to this Order to Show Cause.

Plaintiff is warned that his failure to timely respond to this Order may result in a recommendation that this action be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).